RAJYA SABHA

Friday, the 31st July, 1987/9 Sravana, 1909 (Saka)

The House met at eleven of the clock. **The Deputy Chairman** in the Chair.

ORAL ANSWERS TO QUESTIONS

SHRI A. G. KULKARNI (Maharashtra): Madam, we have peace today.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM (Tamil Nadu): Madam, today we have the most peaceful situation.

श्री सतपाल मित्तल : कहीं यह समझौता तो नहीं हुआ कि वे आएंगे ही नहीं।... (**व्यवधान**)

Amendments to the Urban Land (Ceiling and Regulation) Act

*81. SHRI SOHAN LAL DHUSIYA:†
SHRI KAPIL VERMA:

Will the Miniser of URBAN DEVELOPMENT be pleased to state:

(a) whether Government propose to include "imposition of a cess" and penalty as amendments in the Urban Land (Ceiling and Regulation) Act to make it more effective in the task of provision of housing for the poor sections of society;

(b) if so, what are the details thereof and by when these changes are likely to be incorporated;

(c) whether it is a fact that the National Commission on Urbanisation has declared the Act as ineffective in its interim report; and

(d) if so, what steps Government have taken or propose to take in this regard?

THE MINISTER OF URBAN DEVELOPMENT (SHRIMATI MOHSINA KIDWAI): (a) and (b) The National Commission on Urbanisation have, in their Interim Report, while recommending grant of permission to surplus land owners for utilisation of their surplus land within five years according to certain prescriptions, made a recommendation that the Government should, during this period, levy a cess/tax ranging from Rs. 3/- per sq. metre to Rs. 50/- per sq. metre in different categories of udban agglomerations, depending upon the location and value of land, till the owner completes construction equivalent to at least 50 per cent of the prevailing FAR/FSI. They have also recommended imposition of penalties if the construction so undertaken is violative of the prescribed use of plinth area.

The proceeds from the recommended cess/tax and penalities should, it has been proposed, be credited to a city shelter fund to be wholly applied to the city from which they are collected, and utilized for land acquisition and development of serviced sites for the urban poor and for the construction of housing for them.

The aforesaid recommendations are under examination by the Government.

(c) The Commission have expressed the view that because of the manner in which it has been drafted and implemented, the Act has not achieved any of the objectives for which it was enacted.

(d) Several pdoposals to amend the Act are under consideration.

SHRI SOHAN LAL DHUSIYA: As it has been mentioned in part (c) of the reply that the Act has not achieved any of the objectives for which it was enacted, in such a state whether

†*The question was actually asked* on the floor of the House by Shri Sohan Lal Dhusia.

the Act is defective or the people engaged in this work are careless, inefficient and ineffective?

SHRIMATI MOHSINA KIDWAI: Madam, I have said in my reply that in their recommendation the Commission on Urbanisation have said that this Act is not so effective. This Act has a limited purpose only for 70 cities including metropolitan cities. Categories are there. It was enacted in 1976 and it was enforced in February, 1976. Many State Governments have said that there are certain anomalise, there are certain difficulties in implementing this Act, and certain institutions have also said that it is difficult for us to implement this Act. In that very year or perhaps it was 1979—a group was constituted to go through this Act. After that, there was a group of Ministers who also have gone through this Act. And after that, this Commission on Urbanisation headed by Mr. Charles Correa, was constituted. The recommendation of the Commission, an interim report, we have received. They have also recommended that certain amendments are necessary in this Act. As I have said earlier it is under consideration and certain proposals are there to amend this Act.

श्री सोहन लाल धूसिया : : फालतू जमीन का उपयोग 5 साल के भीतर करने की सिफारिश है। ये 5 साल आपके कब से शुरू होंगे और यदि कोई ऐसा करे कि जमीन का उपयोग भी न करे और उसे फंसाए दे रखे तो ऐसी दशा में सरकार क्या करेगी ?

श्रीमती मोहसिना किदवाई : मैंने जैसा कहा कि ये रिकमेंडेशन्स हैं। अभी यह फाइनलाइज नहीं हुआ है जैसा आपको याद होगा अभी बजट स्पीच में प्राइम मिनिस्टर ने कहा था कि इस कमीशन की जो रिकमेंडेशन्स हैं अरबन डेवलपमेंट मिनिस्ट्री उनको इन्कारपोरेट करे। ये सारी चीजें अंडर कंसीडरेशन हैं। अभी फाइनलाइजेशन नहीं हुआ है और जितना भी उस कमीशन की इंट्रिम रिपोर्ट का थ्रस्ट है वह यह है कि ज्यादा से ज्यादा फालतू जमीन का उपयोग सही ढंग से हो सके और खास तौर पर वीकर सेक्शन की हाउसिंग के लिए हो सके। इसलिए ये सारी चीजें विचाराधीन हैं और मुझे उम्मीद है कि जल्दी इसके ऊपर निर्णय हो सकेगा।

SHRI V. NARAYANASAMY: Madam, the Urban Land Ceiling Act, 1976 was introduced some 10 years back. The implementing auhority is State Governments only. As regards implementation of this Act, the State Governments have not achieved even 5 per cent of the target in acquiring excess land in the urban limits. My feeling is that there is no monitoring agency for the purpose of implementing the Act forcefully by the State Governments. Because of this we find in several States speculative businessmen in plot dealings who are thriving. The Minister has said that some amendments have been suggested because the Act has no teeth. May I know from the Minister what are the salient features of the amendments to the Act which will help in effective implementation?

SHRIMATI MOHSINA KIDWAI: I cannot say at this moment what are the amendments we are going to do. But there are many recommendations and some of them are like this.

THE DEPUTY CHAIRMAN: You can give the important ones.

SHRIMATI MOHSINA KIDWAI: Yes. Owners of the surplus land be encouraged to use it for the house construction rather than indulge in unnecessary litigation to retain it. They may be permitted with the minimum of formality to build housing units of the prescribed limit of 80 sq. metres of plinth area. If the owners are unable to construct such dwellings they may be permitted to transfer the land to a Cooperative Housing Society which may either be development of group housing or land made available

in plots of not more than 100 sq. metres to its members for housing construction. There are many other things.

THE DEPUTY CHAIRMAN: That will do. The rest you can passon to the Member.

SHRIMATI MOHSINA KIDWAI: I will pass it on.

SHRI VITHALRAO MADHAVRAO JADHAV: Madam, the hon. Minister may be aware that the Government of Maharashtra under section 20 of the Urban Land Ceiling Act, 1976 have issued guidelines on the 27th August 1986 and requested the Central Government to make necessary modifications in the rules. But so far this Government has not heard anything in this matter from the Centre. This is mostly concerned with the Urban Land Ceiling Act and the construction of tenaments for the poorer sections in Bombay and other urban areas of Maharashtra. May I know from the hon. Minister, what action her Ministry has taken in this regard?

SHRIMATI MOHSINA KIDWAI: Madam, it is upto the State Governments to give exemptions. Under Section 21, for the housing facilities to the poorer section of the society, the provision is there but it is for the State Government who can come and give them the exemption under section 21.

श्री विठ्ठलभाई मोतीराम पटेल : उपसभापति महोदया मैं चार साल से मंत्री जी से पूछता आ रहा हूं और जवाब भी दिया जाता है कि अर्बन लैंड सीलिंग एक्ट में अमेंडमेंट लाया जाएगा–चार साल से ।

एक बार तो कहा था कि हम अगले सेशन में लायेंगे । तो आपके अधिकारीगण में इतना भी दिमाग नहीं है कि चार साल तक वह अमेंडमेंट तैयार कर सकें, कितना समय चाहिए ? जब प्राइम मिनिस्टर खुद बजट सेशन में कहते हैं [illegible] आप सैक्शन 21 की बात करते हो । उसमें तो भ्रष्टाचार ही बढ़ा है, पैसा खाने का एक बड़ा अच्छा मौका इनको मिल गया है ।

तो मेहरबानी करके आप यह बताय कि इसको जल्दी से जल्दी कब लायेंगे ? इसके साथ ही लास्ट डेट बतायें कि आप अमेंडमेंट कब लायेंगे ?

श्रीमती मोहसिना किदवई : मैंने जैसा कहा–यह मैं मानती हूं कि इसमें कुछ देरी जरूर हुई है लेकिन क्योंकि यह इतना जरूरी एक्ट है इसलिए बहुत सोच-समझ कर इसमें अमेंडमेंट लाये जा रहे हैं और जैसा मैंने बताया कि बहुत पहले से इस पर चर्चा चल रही है । इसके लिए गुप्ता बनाये गये, अब कमीशन जो है उसकी रेकोमेंडेशंस हैं । उन तमाम चीजों की बिनाह पर मैं कह सकती हूं कि बहुत जल्दी यह अमेंडमेंट होंगे ।

SHRI SHANKARRAO NARAYANRAO DESHMUKH: Madam, will the Hon'ble Minister state whether under the Urban Land Ceiling Act, the farmers whose lands fall within the agglomeration area are taken under the Urban Ceiling Act are not paid the market price. Not only that but they are paid one-fourth in cash and 75 per cent at the expiry of 20 years. I do not know why this injustice is there on the farmers and who has started this thing. Will the Hon'ble Minister take steps to remove this injustice? In the context that if there would have been a Bill to this effect that the Secretaries would get one-fourth of their salary in cash and 75 per cent after the expiry of 20 years, would they have adopted it? On the contrary, if they have adopted a Bill to the effect that Ministers will take 25 per cent of their salaries in cash and 75 per cent at the expiry of 20 years, would they have joined here? Then why these farmers are being driven out? For what? For the urbanisation of the land. When you say that you want to urbanise a city and that

too at the cost of the farmers, it is not proper. If you want to do charity, do it at your own cost. Don't do it at the cost of the farmers. Therefore, my submission is: will the Minister remove this injustice by stating that the farmers whose lands are taken, the farmers who cultivate their land personally...I am not pleading the case of those farmers whose lands are barden.....

(Interruptions)

THE DEPUTY CHAIRMAN: Mr. Deshmukh, do you want to quote any specific instance?

SHRI SHANKARRAO NARAYANRAO DESHMUKH: Yes, Madam, there are hundreds of examples in Nasik. Therefore, will the Hon. Minister think of this and remove this injustice caused to the farmers?

SHRIMATI MOHSINA KIDWAI: It is upto the State Governments, Madam. They can do whatever they want. It is not that the farmers' land we are taking but it is the land which is under the ceiling.

(Interruptions)

श्री सागर रायका : माननीय उपसभापति महोदया, मैं माननीय मंत्री जी से पूछना चाहती हूं कि दस साल में आज तक कितनी लैंड सरप्लस हुई और सरप्लस हुई लैंड में से कितनी लैंड गरीब लोगों को हाऊसिंग सोसाइटी बनाने के लिए दी गई ?

मेरा दूसरा क्वेश्चन यह है कि इस अर्बन लैंड सीलिंग एक्ट का कितनी स्टेट्स में वायलेशन हुआ और उस वायलेशन से कितनी जमीन पर असर हुआ ?

श्रीमती मोहसिना किदवई : जितनी यह एक्सेस वैकेंट लैंड है--टोटल एस्टीमेटेड एक्सेस वेकेंट लैंड--1,70,238.71 हैक्टर है, जिसमें सरकार के पास जितना आना चाहिए था, वह आया है 19,280 हैक्टर । सेक्शन 20 में दिया गया है 48,538.21 हैक्टर और जहां तक फिजिकल पोजेशन लिया गया है, वह 6,010.8 हैक्टर है ।

*82. [*The questioner (Shri Satya Prakash Malaviya) was absent. For answer,* vide *cols.* infra]

Urban Transport System

*83. SHRI KAPIL VERMA:
SHRI RAM CHANDRA VIKAL:†

Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) what steps Government have taken, or propose to take to tone up the Urban Transport System in the country;

(b) whether an international seminar on "Urban Transport" was held recently in New Delhi; and

(c) if so, what are the suggestions made in the seminar and what action Government have taken in this regard?

THE MINISTER OF URBAN DEVELOPMENT (SHRIMATI MOHSINA KIDWAI): (a) Toning up of Urban Transport Sytem is a continuous process. Following measures are under way or have been taken in this direction in the recent past:-

(i) Railways have undertaken metropolitan transport projects in Calcutta, Bombay and Madras.

(ii) Railways also carried out techno-economic feasibility studies for rail transit system in Hyderabad and Bangalore at the instance of the concerned State Governments. A similar study is under finalisation for Ahmedabad.

(iii) Urban Transport projects taken up with the assistance of World Bank to improve the traffic and transportation systems have been completed or are nearing completion in Bombay, Calcutta and Madras.

†The Question was actually asked on the floor of the House by Shri Ram Chandra Vikal.